

REMARKS

Claim Rejections

Claims 1 and 3 are rejected under 35 U.S.C. § 112, first and second paragraphs. Claims 1 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis (U.S. 4,657,100) in view of Wu (U.S. 6,435,539) and further in view of Alter (U.S. 2,619,360). Claims 2 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of Wu and further in view of Bowling (U.S. 5,966,786).

Amendments to Specification

Applicant has amended the Specification as noted above to cure obvious grammatical and idiomatic inaccuracies. It is believed that the foregoing amendments to the Specification overcome the outstanding objections thereto. No "new matter" has been added to the original disclosure by the foregoing amendments to the Specification.

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

New Claims

By this Amendment, Applicant has canceled claims 1-4 and has added new claims 5-9 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

It is submitted that the claimed subject matter is described in Applicant's specification in sufficient detail to enable one having ordinary skill in the art to make and use Applicant's invention without undue experimentation. It is believed that Applicant's specification discloses how to make and use the claimed invention.

The new claims are directed toward a folding collapsible golf cart comprising: a hollow upper main shaft (1); a handle (11) having a grip (111) located on a first end thereof and a second end slidably inserted into a first end of the hollow upper main shaft and selectively locked in a predetermined position by a lock (10) located on the first end of the hollow upper main shaft; an upper bag cradle (12) connected to the hollow upper main shaft; a lower main shaft (2); a coupling frame (6) pivotally connected at a first end thereof to a second end of the hollow upper main shaft and at a second end thereof to a first end of the lower main shaft; a bottom frame (5); two wheels (30), one of the two wheels is located on each of two opposing ends of the bottom frame; a lower bag cradle (21) connected to a second end of the lower main shaft; a folding-control rod member (8) pivotally connected at a first end (81) thereof to a middle portion (61) of the coupling frame (6) and at a slug (820) of a second end (82) thereof to a middle part of the bottom frame (5), the folding-control rod member being movable between folded and extended positions; a locking device (80) connected to the middle part of the bottom frame, the folding-control rod member being selectively secured in and released from the extended position by the locking device; an upper link (71) pivotally connected at a first end (711) thereof to the hollow upper main shaft and at a second end (712) thereof to a first side of the locking device; and an lower link (72) pivotally connected at a first end (721) thereof to the lower main shaft and at a second end (722) thereof to a second side of the locking device, wherein, when the folding-control rod member is located in the extended position, the first end of the folding-control rod member is pivoted to a position extending outwardly from the bottom frame and the hollow upper main shaft is extended by the upper link and the lower main shaft is extended by the lower link, and, when the folding-control rod member is located in the folded position, the first end of the folding-control rod member is pivoted toward a predetermined one of the two opposing ends of the bottom frame and the hollow upper main shaft is retracted by the upper link and the lower main shaft is retracted by the lower link.

Other embodiments of the present invention include: the folding-control rod member having a locating device being a cylindrical member having a locating groove located around an outer circumference thereof, the locking device including: a casing fixedly connected to the bottom frame; a control button slidably inserted into

a sliding slot of the casing; and a locking plate controlled by the control button and having an engagement device engaging the locating groove when the control button moves outwardly from the casing and separating from the locating groove when the control button is moves inwardly into the casing; two connecting blocks (4), an axle (3), and a motor drive (31), each of the two connecting blocks having a top end (42) and a bottom end (41); the top end of one of the two connecting blocks is fixedly connected to each of two opposing ends of the bottom frame, the axle is inserted through each bottom end, and one of the two wheels is connected to each of two opposing ends of the axle; two wheel holders (40), one of the two wheel holders is connected to each of two opposing ends of the bottom frame, one of the two wheels is connected to each of the two wheel holders; and a front wheel assembly (22) connected to the second end of the lower main shaft.

The primary reference to Lewis teaches a golf cart having an upper support frame (28) pivotally connected to a lower support frame (26). A pivotal connection (24) having an upper plate (52), a bearing plate (56), and a lower plate (54) pivotally connects the lower support frame (26) to a main horizontal frame (10).

Lewis does not teach a coupling frame (6) pivotally connected at a first end thereof to a second end of the hollow upper main shaft and at a second end thereof to a first end of the lower main shaft; a folding-control rod member (8) pivotally connected at a first end (81) thereof to a middle portion (61) of the coupling frame (6) and at a slug (820) of a second end (82) thereof to a middle part of the bottom frame (5); the folding-control rod member being movable between folded and extended positions; a locking device (80) connected to the middle part of the bottom frame; the folding-control rod member being selectively secured in and released from the extended position by the locking device; an upper link (71) pivotally connected at a first end (711) thereof to the hollow upper main shaft and at a second end (712) thereof to a first side of the locking device; an lower link (72) pivotally connected at a first end (721) thereof to the lower main shaft and at a second end (722) thereof to a second side of the locking device; when the folding-control rod member is located in the extended position, the first end of the folding-control rod member is pivoted to a position extending outwardly from the bottom frame and the hollow upper main shaft is extended by the upper link and the lower main shaft is

extended by the lower link; nor does Lewis teach, when the folding-control rod member is located in the folded position, the first end of the folding-control rod member is pivoted toward a predetermined one of the two opposing ends of the bottom frame and the hollow upper main shaft is retracted by the upper link and the lower main shaft is retracted by the lower link.

The secondary reference to Wu teaches a golf cart having a handgrip (11) connected to a front handle (1), the front handle (1) adjustably inserted into an upper main shaft (2), the upper main shaft (2) is pivotally connected to a lower main shaft (4), the lower main shaft is pivotally connected to a coupling block (6) connected to a wheel shaft (83), a bottom shaft (80) is pivotally connected to the coupling block. Upper and lower links (51, 52) are pivotally connected at first ends to the lower main shaft (4) and the bottom main shaft (80), respectfully, and at second ends to a first wheel handler (81).

Wu does not teach a coupling frame (6) pivotally connected at a first end thereof to a second end of the hollow upper main shaft and at a second end thereof to a first end of the lower main shaft; a folding-control rod member (8) pivotally connected at a first end (81) thereof to a middle portion (61) of the coupling frame (6) and at a slug (820) of a second end (82) thereof to a middle part of the bottom frame (5); the folding-control rod member being movable between folded and extended positions; a locking device (80) connected to the middle part of the bottom frame; the folding-control rod member being selectively secured in and released from the extended position by the locking device; an upper link (71) pivotally connected at a first end (711) thereof to the hollow upper main shaft and at a second end (712) thereof to a first side of the locking device; an lower link (72) pivotally connected at a first end (721) thereof to the lower main shaft and at a second end (722) thereof to a second side of the locking device; when the folding-control rod member is located in the extended position, the first end of the folding-control rod member is pivoted to a position extending outwardly from the bottom frame and the hollow upper main shaft is extended by the upper link and the lower main shaft is extended by the lower link; nor does Wu teach, when the folding-control rod member is located in the folded position, the first end of the folding-control rod member is pivoted toward a predetermined one of the two opposing ends of the bottom frame

and the hollow upper main shaft is retracted by the upper link and the lower main shaft is retracted by the lower link.

The secondary reference to Alter teaches a golf bag trundle having a handle bar (27) adjustably connected to a main frame bar (25), two axle housings (38), two side frame members (26), and links (32, 33, 34). Each of the two side frame members (26) are connected between one of the two axle housings and bracket (28) slidably connected to the main frame bar (25).

Alter does not teach a coupling frame (6) pivotally connected at a first end thereof to a second end of the hollow upper main shaft and at a second end thereof to a first end of the lower main shaft; a folding-control rod member (8) pivotally connected at a first end (81) thereof to a middle portion (61) of the coupling frame (6) and at a slug (820) of a second end (82) thereof to a middle part of the bottom frame (5); the folding-control rod member being movable between folded and extended positions; a locking device (80) connected to the middle part of the bottom frame; the folding-control rod member being selectively secured in and released from the extended position by the locking device; an upper link (71) pivotally connected at a first end (711) thereof to the hollow upper main shaft and at a second end (712) thereof to a first side of the locking device; an lower link (72) pivotally connected at a first end (721) thereof to the lower main shaft and at a second end (722) thereof to a second side of the locking device; when the folding-control rod member is located in the extended position, the first end of the folding-control rod member is pivoted to a position extending outwardly from the bottom frame and the hollow upper main shaft is extended by the upper link and the lower main shaft is extended by the lower link; nor does Alter teach, when the folding-control rod member is located in the folded position, the first end of the folding-control rod member is pivoted toward a predetermined one of the two opposing ends of the bottom frame and the hollow upper main shaft is retracted by the upper link and the lower main shaft is retracted by the lower link.

The secondary reference to Bowling teaches a latch mechanism for a casket having a stud (22) having a necked-down portion (54), and a latch plate (24) having a slot (44) and a handle portion (38). The slot having a wide portion (48) and a narrow portion (50).

Bowling does not teach a coupling frame (6) pivotally connected at a first end thereof to a second end of the hollow upper main shaft and at a second end thereof to a first end of the lower main shaft; a folding-control rod member (8) pivotally connected at a first end (81) thereof to a middle portion (61) of the coupling frame (6) and at a slug (820) of a second end (82) thereof to a middle part of the bottom frame (5); the folding-control rod member being movable between folded and extended positions; a locking device (80) connected to the middle part of the bottom frame; the folding-control rod member being selectively secured in and released from the extended position by the locking device; an upper link (71) pivotally connected at a first end (711) thereof to the hollow upper main shaft and at a second end (712) thereof to a first side of the locking device; an lower link (72) pivotally connected at a first end (721) thereof to the lower main shaft and at a second end (722) thereof to a second side of the locking device; when the folding-control rod member is located in the extended position, the first end of the folding-control rod member is pivoted to a position extending outwardly from the bottom frame and the hollow upper main shaft is extended by the upper link and the lower main shaft is extended by the lower link; nor does Bowling teach, when the folding-control rod member is located in the folded position, the first end of the folding-control rod member is pivoted toward a predetermined one of the two opposing ends of the bottom frame and the hollow upper main shaft is retracted by the upper link and the lower main shaft is retracted by the lower link.

Even if the teachings of Lewis, Wu, Alter, and Bowling were combined, as suggested by the Examiner, the resultant combination does not suggest: a coupling frame (6) pivotally connected at a first end thereof to a second end of the hollow upper main shaft and at a second end thereof to a first end of the lower main shaft; a folding-control rod member (8) pivotally connected at a first end (81) thereof to a middle portion (61) of the coupling frame (6) and at a slug (820) of a second end (82) thereof to a middle part of the bottom frame (5); the folding-control rod member being movable between folded and extended positions; a locking device (80) connected to the middle part of the bottom frame; the folding-control rod member being selectively secured in and released from the extended position by the locking device; an upper link (71) pivotally connected at a first end (711) thereof to the

hollow upper main shaft and at a second end (712) thereof to a first side of the locking device; an lower link (72) pivotally connected at a first end (721) thereof to the lower main shaft and at a second end (722) thereof to a second side of the locking device; when the folding-control rod member is located in the extended position, the first end of the folding-control rod member is pivoted to a position extending outwardly from the bottom frame and the hollow upper main shaft is extended by the upper link and the lower main shaft is extended by the lower link; nor does the combination suggest when the folding-control rod member is located in the folded position, the first end of the folding-control rod member is pivoted toward a predetermined one of the two opposing ends of the bottom frame and the hollow upper main shaft is retracted by the upper link and the lower main shaft is retracted by the lower link.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Lewis, Wu, Alter, or Bowling that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Lewis, Wu, Alter, nor Bowling disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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